

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : DATE FILED:_____

v. : CRIMINAL NO. 03-

STANLEY N. WADDY, JR. : VIOLATIONS: 18 U.S.C. § 1001
(Falsifying material facts in a
matter before the Department
of Transportation - 10 counts)
49 U.S.C. § 521(b)(6)(A) and
49 C.F.R. § 382.213
(Using a controlled substance while on
duty and performing a safety sensitive
function - 1 count)

INDICTMENT

COUNTS ONE THROUGH TEN

THE GRAND JURY CHARGES THAT:

At all times relevant to this indictment:

1. On a continuing basis during the months of May 2001 through December 2001, in the Eastern District of Pennsylvania and elsewhere, defendant STANLEY N. WADDY, JR. knowingly falsified his commercial truck driver's daily logs, and exceeded the maximum lawful number of daily driving hours and "on-duty" hours without taking the required hours off-duty, which resulted in defendant driving in a tired and fatigued condition.

THE DEFENDANT

2. Defendant STANLEY N. WADDY, JR. was a certified commercial motor vehicle truck driver, and possessed a commercial driver's license which authorized him to drive a commercial truck on the public highways throughout the United States.

3. As a licensed commercial motor vehicle truck driver, defendant STANLEY N. WADDY, JR. was required to comply with all laws and regulations governing driving on the nation's public roads.

4. Defendant STANLEY N. WADDY, JR. was employed as a commercial truck driver for Tapscott Trucking located in Thornburg, Virginia.

**FEDERAL HIGHWAY SAFETY REGULATION OF
COMMERCIAL MOTOR VEHICLE OPERATORS**

5. The Federal Motor Carrier Safety Administration ("FMCSA"), a division of the United States Department of Transportation ("USDOT"), is an agency of the United States.

6. The FMCSA is responsible for, among other things, the regulation of commercial motor vehicle ("CMV") drivers (hereafter also referred to as "truck drivers"), including limitations on the maximum number of daily allowable driving hours and required hours off-duty, in order to protect the public from commercial trucking-related accidents caused by fatigued truck drivers operating on the nation's highways.

7. The FMCSA administers and enforces the Motor Carrier Safety Act of 1984, including the regulations issued under that Act. This Act and its regulations are written to ensure, among other things, that truck drivers fully comply with the responsibilities imposed on them to drive their vehicles in a safe and unimpaired manner, and that the physical condition of the drivers is adequate to enable them to operate their vehicles safely.

8. Among the federal regulations for CMV truck drivers relating to the safe operation of their vehicles are the following:

- a) limiting the maximum daily allowable driving hours which truck drivers may drive. These regulations include two general rules for the maximum allowable number of daily driving hours. The “10 hour rule” provides that once a CMV truck driver accumulates 10 hours of driving time, that driver may not drive again until he or she has at least 8 consecutive hours off-duty. The “15 hour rule” provides that when a CMV truck driver has been "on-duty" for 15 hours, whether driving or not, that driver may not drive again until he or she has had 8 consecutive hours off-duty;
- b) requiring a truck driver to maintain truthful and accurate driver daily logs which reflect the driver’s duty status, locations, and the daily number of hours spent driving, on-duty but not driving, in sleeper berth and off-duty; and
- c) requiring a truck driver to comply with all laws, ordinances and regulations in the jurisdiction in which the truck is being operated.

9. To ensure that motor carriers and truck drivers comply with the maximum hours of service limitations, truck drivers are required by federal regulation to record all daily activities, including driving time, on a form called "Record of Duty Status." This form is commonly referred to as a "Driver's Daily Log."

10. Federal regulations mandate that truck drivers certify the truthfulness and accuracy of the driver's daily logs by signing their name to each log.

11. Federal regulations further require that commercial motor carriers maintain their employees' driver's daily logs and supporting documents for those logs for at least six months.

12. The primary means by which FMCSA inspectors enforce the federal highway safety regulations relating to the limits on truck drivers' hours of service is to inspect the driver's daily logs to determine the number of driving hours, on-duty hours and off-duty hours and compare those logs with the supporting documents maintained by the motor carrier.

13. Defendant STANLEY N. WADDY, JR. was required by law to keep the original driver's daily log book in his possession in the particular truck he was operating, and to maintain truthful, accurate and complete records of his driving status in his driver's daily logs.

DEFENDANT'S SCHEME

14. It was part of defendant STANLEY N. WADDY JR.'s scheme to falsify, conceal and cover up material facts within the jurisdiction of the USDOT by preparing and maintaining false and fraudulent driver's daily logs which stated that he was driving in compliance with federal highway safety regulations, including limits on the maximum number of driving hours and "on-duty" hours, when in fact, as he well knew, he was exceeding the maximum number of driving hours and "on-duty" hours without the required 8 consecutive hours off-duty, and was otherwise driving in violation of federal law.

15. From in or about May 2001 through in or about December 2001, defendant STANLEY N. WADDY, JR. knowingly exceeded the maximum number of driving hours and "on-duty" hours without taking the required hours off duty, and falsified his driver's daily logs.

16. On each of the following twenty-eight dates during the months of May through December 2001, defendant STANLEY N. WADDY JR. knowingly falsified his driver's daily logs, and exceeded the maximum lawful number of driving hours and "on-duty" hours without taking the required hours off-duty:

<u>MONTH</u>	<u>DAY</u>
May	21
June	5, 19, 23 and 26
July	7
August	3, 14, 28 and 29
September	12, 19, 21, 25 and 27
October	3, 4, 6, 12 and 18
November	2, 8, 13, 15, 16, 17 and 24
December	8

17. On or about December 7, 2001 through December 8, 2001, defendant STANLEY N. WADDY, JR. knowingly falsified his driver's daily log book, in that he falsely stated that he was "off-duty" from December 6 through December 11, 2001, in Mechanicsville, VA, when in fact, as defendant STANLEY N. WADDY, JR. knew, he was driving a truck on December 7, 2001 and December 8, 2001 in Ruther Glen, VA.

18. From on or about May 21, 2001, through on or about December 8, 2001, in the Eastern District of Pennsylvania, and elsewhere, defendant

STANLEY N. WADDY, JR.,

in a matter within the jurisdiction of the executive branch of the United States government, namely the Federal Motor Carrier Safety Administration, and the Department of Transportation, an agency of the United States, knowingly and willfully falsified, concealed, and covered up by trick, scheme and device, certain material facts, that is, defendant **STANLEY N. WADDY, JR.** prepared and maintained for inspection by the FMCSA false and fictitious driver's daily logs which the defendant knew to be false and fictitious, on or about each of the following dates, each date constituting a separate count:

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF FALSE STATEMENT</u>
1	5/21/01	Defendant falsely stated in his driver logbook for 5/21/01 that he was off-duty in Dinwiddie, VA for the entire day, when in fact he was driving in Petersburg, VA at 5:22 p.m. on that date.
2	6/26/01	Defendant falsely stated in his driver logbook for 6/26/01 that he was off-duty in Bethlehem, PA between 9:45 a.m. and 6:30 p.m., when in fact he was driving in Morgantown, PA at 4:45 p.m. on that date.
3	7/7/01	Defendant falsely stated in his driver logbook for 7/7/01 that he was off-duty in Nags Head, NC between 5:45 a.m. and 10:00 a.m., when in fact he was driving in Chesapeake, VA at 5:47 a.m. on that date.
4	8/28/01	Defendant falsely stated in his driver logbook for 8/28/01 that he was off-duty in Mechanicsville, VA for the entire day, when in fact he was driving in Richmond, VA at 2:49 p.m. on that date.

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF FALSE STATEMENT</u>
5	9/25/01	Defendant falsely stated in his driver logbook for 9/25/01 that between 9:15 a.m. and 1:15 p.m. he was driving approximately 2 hours from Mechanicsville, VA when in fact he was driving in Valley Forge, PA at 11:14 a.m. on that date.
6	10/3/01	Defendant falsely stated in his driver logbook for 10/3/01 that he was off-duty in Mechanicsville, VA for the entire day, when in fact he was driving in Ruther Glen, VA at 4:57 a.m. on that date.
7	11/2/01	Defendant falsely stated in his driver logbook for 11/2/01 that he was off-duty in Mechanicsville, VA for the entire day, when in fact he was driving in Harrisburg, PA at 11:32 a.m. on that date.
8	11/8/01	Defendant falsely stated in his driver logbook for 11/8/01 that he was in the sleeper berth of his truck in Bethlehem, PA between midnight and 6:45 a.m. on 11/8/01 when in fact he was driving in Allentown, PA at 2:40 a.m. on that date.
9	11/17/01	Defendant falsely stated in his driver logbook for 11/17/01 that he was off-duty in Mechanicsville, VA between 9:15 a.m. on 11/16/01 and 3:45 a.m. on 11/17/01, when in fact he was driving in Ruther Glen, VA at 2:32 a.m. on 11/17/01.
10	12/8/01	Defendant falsely stated in his driver logbook for 12/8/01 that he was off-duty in Mechanicsville, VA for the entire day, when in fact he was driving in Richmond, VA at 1:14 a.m. on that date.

All in violation of Title 18, United States Code, Section 1001.

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations in paragraphs 1 through 8 of Count One of this indictment are realleged here.
2. Federal highway safety regulations prohibit a commercial truck driver from using controlled substances, including marijuana, while performing safety sensitive functions, such as operating a commercial motor vehicle. See 49 C.F.R. § 382.213, and Part 40.
3. On or about December 12, 2001, at approximately 10:48 a.m., defendant STANLEY N. WADDY, JR. was on duty and performing a safety sensitive function after recently using a controlled substance, that is, marijuana, while operating a 1983 Peterbilt truck tractor with an empty trailer, going north on the Blue Route (Route 476) in Ridley Township, Delaware County, Pennsylvania.
4. On or about December 12, 2001, at approximately 10:48 a.m., as defendant STANLEY N. WADDY, JR. approached mile marker 1.3 on Rte 476 northbound, he drove his truck and tractor trailer into the rear of another vehicle, causing a 6-vehicle collision. As a result of the collision caused by the defendant STANLEY N. WADDY, JR., a 1992 Ford pick-up truck burst into flames, killing Bennie Lee Moses (age 63) and his wife, Shirley Moses (age 59).
5. On or about December 12, 2001, at Delaware County, in the Eastern District of Pennsylvania, defendant

STANLEY N. WADDY, JR.

knowingly and willfully violated a provision and regulation under Title 49, Code of Federal

Regulations, subchapter III, that is, 49 C.F.R. § 382.213, in that defendant **STANLEY N. WADDY, JR.**, was on duty performing a safety sensitive function after having recently used a controlled substance, that is, operating a 1983 Peterbilt tractor trailer after recently using marijuana, a Schedule I controlled substance.

In violation of Title 49, United States Code, Section 521(b)(6)(A) and Title 49, Code of Federal Regulations, Section 382.213.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney